

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BASIA GOSZCZYNSKA a/k/a BARBARA  
FEDOROWICZ,

Plaintiff,

-vs-

ARCADIA EARTH LLC and  
INFORMA MARKETS FASHION  
(EAST) LLC

Defendants.

**Civil Action No. 1:22-cv-09345-JHR**

**DEFENDANTS ARCADIA EARTH LLC AND INFORMA  
MARKETS FASHION (EAST) LLC'S NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6) AND 12(b)(1)**

**PLEASE TAKE NOTICE** that on this 7<sup>th</sup> day of March 2023, Defendants Arcadia Earth LLC (“Arcadia”) and Informa Markets Fashion (East) LLC (“Informa”) (collectively, “Defendants”), by and through their undersigned counsel, hereby move to dismiss the First Amended Complaint (“Amended Complaint”) of Plaintiff Basia Goszczynska (“Plaintiff”) before the Honorable Jennifer H. Rearden at Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007-1312, at a date and time to be determined by the Court.

Defendants move in accordance with the schedule set at the February 10, 2023 Pre-motion Conference and pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Plaintiff’s First Amended Complaint in its entirety for failure to state a claim upon which relief can be granted because the pleading falls well short of the pleading requirements set forth under controlling precedent. Defendants also move to dismiss Count 1 of the Amended Complaint pursuant to Fed. R. Civ. P.

12(b)(1) for lack of subject matter jurisdiction as Plaintiff's lone federal claim is so implausible and otherwise devoid of merit that subject matter jurisdiction is divested. In support of this motion, Defendants shall rely on the accompanying Memorandum of Law and supporting Declaration with exhibits, and any Reply that Defendant shall file on or before April 4, 2023.

Dated: March 7, 2023

Respectfully submitted,

/s/ Lucian C. Chen

Lucian C. Chen  
Todd M. Noshier  
CALHOUN, BHELLA & SECHREST  
5 Columbus Circle, 11<sup>th</sup> Floor  
New York, NY 10019  
646.819.0401 (Main)  
646.819.0407 (Fax)  
Lchen@cbsattorneys.com  
Tnoshier@cbsattorneys.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Motion to dismiss Plaintiff's First Amended Complaint was served on Plaintiff on March 7, 2023 via CM/ECF.

/s/ Lucian C. Chen